

REMARKS

Claims 18-23 are pending and stand rejected under 35 U.S.C. § 102. By amendment herein, claim 18 now specifies that the fusion protein includes a selectively cleavable link between the heterologous polypeptide and the SOD polypeptide. New claims 24-28 further specify the nature of the cleavable link. Support for the amendments to claim 18 and new claims 24-28 can be found throughout the specification as filed, for example on page 5, lines 18 to 27 and page 7, line 21 to page 8, line 21. In addition, the paragraph reciting cross-references to related applications has been corrected to match that filing receipt. The Abstract has also been amended. Entry of the foregoing amendments and consideration of the following remarks is respectfully requested.

Oath/Declaration

The Examiner asserts that a supplemental oath or declaration is required. Applicants will submit the supplemental oath/declaration under separate cover.

Specification

The Abstract was objected to in the Office Action for referring to ubiquitin rather than superoxide dismutase. Applicants have amended the Abstract herein, thereby obviating this objection.

Priority

Applicants thank the Examiner for noting the discrepancy between the priority information in the body of the specification and that found on the filing receipt. Applicants have amended the first paragraph of the specification to correct this discrepancy. As will be apparent from this amendment, co-pendency is present as between each application in the chain.

Double Patenting

Applicants request that the double patenting rejection be held in abeyance until indication of allowable subject matter.

Rejections Under 35 U.S.C. § 102

Claims 18-20 and 22 stand rejected under 35 U.S.C. § 102(b) as alleged anticipated by Steimer et al. (1985) *J. Virol.* 58:9-16 (hereinafter "Steimer"). The Examiner notes that this rejection is applied because "Applicant is being given priority benefit to application 07/169,833, filed 17 March 1988. (Office Action, page 4).

The foregoing amendments to the priority claim in the specification establish that the application is entitled to the benefit of U.S. Serial No. 06/717,209, filed March 28, 1985, which discloses methods involving superoxide dismutase. Accordingly, Steimer cannot be used as a reference against the pending claims and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102(e)

Claims 18-21 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 5,252,476 (hereinafter "Hallewall"). (Office Action, page 4).

Claim 18 has been amended to indicate that there is a selectively cleavable link in the fusion protein. Because Hallewall does not describe or suggest such a link, Applicants submit the rejection has been obviated and respectfully submit that it should be withdrawn.

III. CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the claims are now in condition for allowance and request early notification to that effect.

Please direct all further communications regarding this application to:

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Respectfully submitted,

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